

California Regional Water Quality Control Board
Santa Ana Region
May 16, 2003

ITEM: 20

SUBJECT: Executive Officer's Report

DISCUSSION:

1. Basin Plan Triennial Review: Stormwater Quality Standards Task Force – During the Board's consideration of the Basin Plan Triennial Review list in 2002, Board staff reported that stakeholder groups had expressed interest in supporting the review of certain issues. These included the consideration of the Water Code Section 13241 factors in relation to stormwater compliance with water quality objectives. Board staff had initially recommended that this issue be given lower priority on the draft list, in part because of the magnitude of the time and resources necessary to address it. However, based on further discussion with the stakeholders, it became evident that they were contemplating a wide range of review tasks that would assist the Board and staff in other high priority Triennial Review items, including the review and update of bacterial quality objectives for REC-1 waters. Based on this and the evident commitment of the stakeholders to provide requisite resources, staff recommended that the consideration of 13241 factors and stormwater compliance be identified as a high priority item, to which approximately 0.5 PY of staff time per year would be dedicated. The Triennial Review list adopted by the Board on July 19, 2002 implements this recommendation.

Since July 19, 2002, the stakeholders have been engaged in forming the "Stormwater Quality Standards Task Force", comprised of the three counties represented in the Region (Orange, Riverside and San Bernardino) and the Santa Ana Watershed Project Authority (SAWPA). As it has for the Nitrogen/TDS Task Force, SAWPA will coordinate the activities of the Stormwater Quality Standards Task Force. Regional Board staff will act in an advisory capacity. Public and agency participation will be a cornerstone of the Task Force's efforts.

Board staff has been actively involved with the Task Force in the development of a Request for Proposals for consultant services for the Task Force work, and in the selection of the consultant. Camp Dresser and McKee (CDM) was selected; the CDM team will include Mary Jane Foley and Jerry King, as well as Tim Moore of Risk Sciences. These individuals and the members of the CDM team bring with them extensive State and Regional Board and U.S. EPA experience, as well as detailed working level knowledge of the Santa Ana Region.

While the Task Force appears to be prepared to conduct studies necessary to evaluate the Basin Plan water quality objectives and beneficial use designations in a comprehensive way, it is recognized that these efforts must be prioritized and completed in phases. The first focus of the Task Force effort will be on review of the bacterial objectives for REC-1 waters, consistent with the high priority identified for this issue in the Triennial Review list. The Task Force also intends to investigate questions related to REC-1 beneficial use designations; one major concern here, as elsewhere in the State, is the propriety of the REC-1 designation for concrete-lined/fenced channels to which access is prohibited.

A series of workshops to provide a forum for all interested parties to provide input into the development of a Work Plan has already begun. The kickoff workshop was held on February 20, 2003, followed by another on April 3, 2003 (Review of Regulatory Alternatives), and others are planned for May 15, 2003 (Work Plan Scope), and June 26, 2003 (Draft Work Plan Presentation). Board staff will attend all workshop meetings (as well as other meetings of the Task Force). Representatives of MS4 co-permittee agencies have also attended Task Force meetings, and the first workshops.

Board staff and the Task Force clearly understand the importance of making this process transparent and fully open to the public. As a step toward that goal, a letter of invitation to the next scheduled Task Force workshops has been sent to all those on our Basin Plan mailing list, as well as posted on the Regional Board's web site. Task Force members selectively circulated the invitation by e-mail. In addition, Board staff have personally contacted a number of parties believed to have interest in the Task Force work, including Orange County Coastkeeper, Surfrider Foundation, Natural Resources Defense Council, and the Center for Biological Diversity. The Task Force also recognizes the importance of input from the U. S. Environmental Protection Agency, the Department of Health Services, and the State Board, and we have solicited their participation. The U.S. EPA and the State Board have already committed to participate.

In our interactions to date with the Task Force, Board staff have repeatedly emphasized the basic principles that must guide the Task Force work, and we will continue to do so. First and foremost, the work must be objective. The Task Force must ask whether changes to the Basin Plan are justified and not assume that they are. Then the Task Force must determine whether and how any appropriate changes can be accomplished in accordance with existing law and regulation. Any such changes must be based on sound science. There are no guarantees of outcome; as the Nitrogen/TDS Task Force work has shown, more stringent rather than less stringent Basin Plan requirements may result from the Task Force efforts. Finally, the Task Force must address the protection of downstream waters and the most sensitive beneficial uses. With the application of these principles and the active participation of interested agencies and parties, the Task Force's work can result in productive review of the Basin Plan.

Board staff will keep the Board and the public apprised of the progress of the Task Force work.

2. Peer Review Panel Findings for the Orange County Sanitation District Schedule to Move to Full Secondary Treatment – Between January and March, 2003, I chaired a peer review panel to evaluate the Orange County Sanitation District's (OCSD) proposed schedule to move from advanced-secondary to full secondary treatment. You may recall that the Board of Directors of OCSD voted last July to move the District to full secondary treatment for their ocean discharge. However, when it was learned that it could take eight to ten years for this transition, there was a good deal of concern about whether the District could make the transition to full secondary at a faster pace.

I requested that the District provide the staff support for a peer review panel of wastewater treatment and construction experts who would be asked to critically review the schedule proposed by OCSD and determine whether the proposed schedule was reasonable. It was agreed that engineering and construction experts, experienced in both wastewater treatment unit process and large-scale construction, would be best qualified to provide the input necessary to critically evaluate the District's plans. It was also clear that it would be beneficial to have a panel member from an interested environmental group participate in the effort to act as a public representative evaluating the effort. We were very fortunate that the following panel members agreed to assist in the peer review effort: Dr. Roger T. Haug, Deputy City Engineer for the City of Los Angeles; Joe Mundine, Assistant Director, Bureau of Sanitation and Plant Manager for the City of Los Angeles Hyperion Wastewater Treatment Plant; Dr. Douglas Drury, Executive Manager-Operations for the Inland Empire Utilities Agency; Thomas Riegelhuth, owner and general contractor with Margate Construction Company; and Garry Brown, Executive Director of the Orange County CoastKeeper, representing environmental interests and the general public.

The peer review panel met three times between January and March, and it was clear that the expertise of the Panel members resulted in input to the District concerning matters that, in some cases, had not been considered by District staff. That was not a surprise, given the experience and expertise of the panel. Dr. Haug and Mr. Mundine recently completed work on the secondary treatment upgrade for the City of Los Angeles Hyperion Wastewater Treatment Plant, a project very similar to the District's proposed project. Their experiences with the Hyperion project provided input to the District from individuals who had just lived through problems and scheduling difficulties that were specifically and directly relevant to what is being contemplated by OCSD. Their input to the process was invaluable. Dr. Drury provided very valuable input to the process from the perspective of an individual who has enormous experience and expertise in both wastewater treatment plant operations, and very importantly, the science underlying those operations. (Dr. Drury is also an adjunct professor, teaching

biological unit processes, at the University of California, Riverside.) Mr. Riegelhuth provided another level of "ground truthing" from the perspective of an individual with great experience in heavy construction. It was all well and good to get suggestions, but Mr. Riegelhuth provided the perspective on whether those suggestions could actually be implemented within the constraints of time and space available for this work. Mr. Brown provided review of the process from the perspective of an interested individual with a "bias" towards wanting to see the secondary treatment process completed absolutely as quickly as reasonable and feasible. When Mr. Brown was asked to participate on the Panel, this "bias" was both expected and encouraged. Mr. Brown's intelligent and sincere questions and comments provided important perspective and led to significant changes to process output documents that will assist the public in understanding the basis and justification of the schedule proposed by the District.

As a result of considerable Panel input between January 24th and March 24th, as well as an enormous amount of work by District staff, both to prepare the original process descriptions and schedule, and to respond to questions and suggestions of the Panel, the District proposed a schedule that would lead to implementation of full secondary treatment by the end of 2012. This means that, in slightly more than 9 ½ years, the District will attempt to implement projects to bring its treatment level up to full secondary, as well as implement other vital infrastructure projects, with expenditures totaling an estimated \$2.06 billion over that same period. This undertaking will result in project expenditures for the next nine years at a rate of \$100 million to \$150 million per year more than the City of Los Angeles spent in their year of highest project expenditure for the Hyperion Wastewater Treatment Plant (Tim Haug).

There was consensus among the panel members to recommend a December 31, 2012 compliance date for the District to fully implement secondary treatment. I presented these findings to a special meeting of the Board of Directors of OCSD on April 16th. I indicated to the Board of Directors that I would recommend to both the U.S. EPA and to the Regional Board a compliance date of December 31, 2012, for inclusion in the next discharge permit for OCSD.

3. Meeting with Orange County Water District/Metropolitan Water District of Orange County and the Metropolitan Water District of Southern California (MWD) concerning Perchlorate in Colorado River Water Imported to the Orange County Water District Service Area – At the request of Virginia Grebbian, General Manager of the Orange County Water District (OCWD), and Stan Sprague, General Manager of the Municipal Water District of Orange County (MWDOC), I joined them in a meeting, on April 24th, with Ron Gastelum, General Manager of MWD, to discuss the problems related to perchlorate levels found in Colorado River Water (CRW) imported to Orange County. It is generally known that the CRW imported to Southern California contains perchlorate in concentrations of approximately 4-8 ppb, caused by historic spills and discharges

at perchlorate manufacturing operations in Nevada. In the Los Angeles area, this issue has been addressed by MWD through blending the CRW with water from the State Water Project, which does not contain perchlorate. However, this option is not available for CRW imported to much of the OCWD service area. Facilities are not yet in place for the necessary blending to be implemented.

The project necessary to allow blending to occur is the Diemer By-pass, which is not scheduled for construction for a number of years. The purpose of our meeting with Mr. Gastelum was to request that this project be given a much higher priority by MWD, so that the perchlorate matter can be addressed at the earliest possible time. I indicated to Mr. Gastelum that Regional Board staff would propose cleanup levels for perchlorate remediation projects no higher than the current DHS Action Level of 4 ppb, should such a discharge be proposed. The current CRW concentrations of 4-8 ppb would often not meet that cleanup level. He posed questions about this and then directed his staff to evaluate how quickly the Diemer By-pass could be constructed. His staff was directed to bring this matter back to OCWD and MWDOC as soon as this information is available.

4. Lawsuit on San Bernardino County Municipal Storm Water Permit –

On April 26, 2002, the Regional Board renewed the Municipal Storm Water Permit for the County of San Bernardino. Subsequently, the Cities of Rancho Cucamonga and Upland filed a petition with the State Water Resources Control Board, which was dismissed by the State Board by letter dated March 13, 2003. On April 15, 2003 the Cities filed a suit with the Superior Court in San Bernardino County, seeking the Court's review of the storm water permit. The suit alleges that the Regional Board, in adopting the municipal storm water permit, specified requirements beyond what is required under the federal Clean Water Act and violated State mandates including the California Environmental Quality Act and the California and federal Administrative Procedures Act. A hearing on this matter is scheduled for May 27, 2003 at 8:30 a.m. in the Rancho Cucamonga District Courthouse. The State Board has requested the Office of the State Attorney General to represent the State/Regional Boards in this matter.

5. Water Festival – Staff from the Santa Ana Regional Board will participate in the "Children's Water Education Festival" in Irvine, beginning May 6, 2003. Regional Board staff's demonstration is entitled "Water Cops On Duty!" The children attending the two-day festival, from grades 2 through 5, will learn about protecting groundwater quality by building a model aquifer and pumping groundwater with a miniature "well." During the demonstration, the children will add "polluted" water to the aquifer (food coloring!), and observe how the contamination travels to their water well. After this activity, the children participate in a quiz contest, where they receive prizes that remind them of the important water protection concepts they have learned. Regional Board staff's presentation has been extremely well received by students and teachers over the

past 6 years. This is one of the Santa Ana Region's biggest outreach activities, where the staff can connect with up to 350 children each day. The festival will be attended by over 320 classes, from 24 different cities in the Orange County area. This event is sponsored each year by the Orange County Water District's Groundwater Guardian Team, in conjunction with participation from private industry, universities, and State and local agencies.

6. Retirement of Burnie Cavendar from the San Bernardino Valley Water Conservation District (SBVWCD) – Burnie Cavendar, the General Manager of SBVWCD, and the former Director of Planning for SAWPA, announced that he will retire at the end of May, 2003. As Director of Planning at SAWPA, Burnie was instrumental in the development of a watershed concept related to participation in the Nitrogen/TDS study, the results of which are now coming to fruition as a major Basin Plan Amendment this year. Burnie fostered a cooperative working relationship between upstream and downstream interests at a level that was difficult to envision before he undertook to make it happen. There were many times that Burnie had to work very hard to bring many folks with disparate interests together to forge a collaborative working environment. Burnie's subtle way of dealing with complex and controversial issues will be missed, and we certainly wish him all the best in his retirement.

7. State Water Resources Control Board Deputy Director Dale Claypoole Retirement – I don't usually recognize retirements in the Executive Officer's reports, but like the announcement for Burnie Cavendar, above, the retirement of Dale Claypoole from his position as a Deputy Director of the State Water Resources Control Board should be noted. We met Dale approximately 18 years ago and have always found him to be one of the finest individuals with whom we have worked. He has consistently treated the regional boards with great fairness and civility. Dale always acted as a consensus builder between the State Board and the regional boards. He claims to have turned 60 on April 25th, but many of us think that he really just turned 50, and is retiring with family money, instead of a state pension. Regardless of what we suspect to be an exaggerated age claim, Dale will be greatly missed by all of us at Region 8 who worked with him.

Gerard J. Thibeault
Executive Officer